

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

LARRY KLAYMAN	*	
	*	CIVIL ACTION NO. 3:16-cv-02010
VERSUS	*	
	*	JUDGE SAM A. LINDSAY
PRESIDENT BARACK OBAMA, ET AL	*	
	*	

**MOTION FOR SANCTIONS AGAINST PLAINTIFFS AND PLAINTIFFS' COUNSEL
BY DEFENDANT DERAY MCKESSON**

NOW INTO COURT, through undersigned counsel, comes Defendant DeRay Mckesson ("Mr. Mckesson"), who respectfully submits the following Motion for Sanctions against Plaintiffs and Plaintiffs' Counsel pursuant to Rules 11(b)(1), 11(b)(2), and 11(c) of the Federal Rules of Civil Procedure and avers as follows:

1. Mr. Mckesson submits that Mr. Klayman, Plaintiffs' counsel, filed this lawsuit without any non-frivolous argument that this Court has subject matter jurisdiction over this action and personal jurisdiction over Mr. Mckesson. Further, Mr. Klayman filed this suit despite not having a single non-frivolous, legally-cognizable claim under current law. Accordingly, Plaintiffs and Plaintiffs' counsel should be sanctioned for filing the Complaint (Rec. Doc. 1) and Amended Complaint (Rec. Doc. 16) (hereinafter referred to as the "Complaints") under Rule 11(b)(2) of the Federal Rules of Civil Procedure.

2. Mr. Mckesson further submits that the Complaints were presented for improper purposes, namely to harass Mr. Mckesson for his involvement with the Black Lives Matter movement and to draw attention to Plaintiffs' political views. Accordingly, the Plaintiffs and

Plaintiffs' counsel should be sanctioned under Rule 11(b)(1) of the Federal Rules of Civil Procedure.

3. Mr. Mckesson submits that Plaintiffs' legal claims are frivolous and were presented for an improper purpose such that this Court should sanction Plaintiffs and/or Plaintiffs' counsel. Given Mr. Klayman's history of frivolous filings, and the ineffectiveness of prior sanctions in discouraging him from filing frivolous lawsuits like this one, undersigned counsel suggests that stringent sanctions are in order, including compensating Mr. Mckesson for the attorney's fees and expenses incurred in defending this action.

4. Pursuant to Rule 11(c)(2), Mr. Mckesson's counsel previously served a copy of this Motion upon Plaintiffs' counsel on November 3, 2016.

WHEREFORE, Mr. Mckesson respectfully requests that this Court enter an order sanctioning Plaintiffs and Plaintiffs' Counsel to pursuant to Rules 11(b)(1), 11(b)(2), and 11(c) of the Federal Rules of Civil Procedure, in addition to all other just and equitable relief to which he may be entitled.

Respectfully submitted,

/s/ Lauren York

Lauren York, Texas Bar No. 24098647
AKIN GUMP STRAUSS HAUER
& FELD LLP
1700 Pacific Avenue, Suite 4100
Dallas, Texas 75201-4624
Telephone: (214) 969-4395
Facsimile: (214) 969-4343
lyork@akingump.com

/s/ Jacob K. Weixler

William P. Gibbens, La. Bar No. 27225
Admitted *Pro Hac Vice*
Jacob K. Weixler, La. Bar No. 36076
Admitted *Pro Hac Vice*
Teva F. Sempel, La. Bar No. 35409
Admitted *Pro Hac Vice*
SCHONEKAS, EVANS, McGOEY
& McEACHIN, L.L.C.
909 Poydras Street, Suite 1600
New Orleans, Louisiana 70112
Telephone: (504) 680-6050
Facsimile: (504) 680-6051
billy@semmlaw.com
jake@semmlaw.com
teva@semmlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2016, I electronically filed the foregoing pleading with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

/s/ Jacob K. Weixler _____
Jacob K. Weixler